

## **REMARKS**

This is a full and timely response to the outstanding Office Action mailed June 18, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Allowed Subject Matter**

Applicants appreciate the Examiner's indication that claims 1-16 are in condition for allowance except for formal matters. In that it is believed that the informalities have been corrected through this response, it is submitted that each of the claims that remains is presently in condition for allowance.

### **II. Cancellation of Claims Withdrawn from Consideration**

The Office Action notes the following:

Withdrawn claims 17-28 which were drawn to nonelected species have not been cancelled. Appropriate correction is required.

Applicants have cancelled claims 17-28 through this response without prejudice, waiver, or disclaimer, and thus respectfully submit that this informality has been corrected.

### **III. Drawing Objection**

The Office Action notes the following:

The formal drawings filed 4-16-04 are improper under 37 C.F.R. 1.121 because each drawing was not identified in the top margin as "Replacement Sheet." Appropriate correction is required.

Applicants have revised the figures with the designation "Replacement Sheet" in the top margin through this response, and thus respectfully submit that the objection to the drawings has been overcome. The corrected figures are enclosed herein.

#### **IV. Specification Objection**

The Office Action notes the following:

The reply filed 4-16-04 has a specification amendment "Fitness evaluation: One measurement..." for page 28, lines 1 through 5. However review of the specification shows this paragraph is located on lines 1 through 4 of page 28. Appropriate correction is required.

Applicants have corrected the line numbering informality through this response (see the specification amendments section above), and respectfully submit that the objection to the specification has been overcome.


#### **V. Cancelled Claims**

As identified above, withdrawn claims 17-28 have been cancelled from the application through this response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in a continuing application to be filed subsequently.

### CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David Rodack  
Registration No. 47,034

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**

Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

July 22, 2004

Mary Morgan  
Signature